

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 05-CR-240

JOHNNY BURNETT,

Defendant.

ORDER DENYING MOTION FOR BOND

On November 15, 2005, this court entered an order of detention. The order was based on the fact that the defendant had failed to rebut the joint presumptions of a serious risk of non-appearance and danger to the community. 18 U.S.C. §3142(e). The defendant is charged in counts 2 and 3 of the indictment and, if convicted, faces a maximum term of imprisonment of 10 years or more. The court did indicate that it would be willing to review its order of detention upon a change in circumstances.

On May 1, 2007, the defendant filed a motion seeking a review of the detention order. In his motion, the defendant proposes that he be released on the following conditions: maintain a stable residence; seek and maintain employment; participate in an AODA assessment and any appropriate screening and treatment; participate in a home confinement program with electronic monitoring; and any other appropriate conditions. To reduce the risk of non-appearance, the defendant requests that a \$5,000.00 cash or property bond, secured by the family, be established. The government opposes the motion and requests that it be denied without a hearing.

Due to the complex nature of this case, it has been pending for a significant amount of time, and the defendant has been detained since November 15, 2005. Nevertheless, release is only appropriate if the presumptions can be overcome. The defendant's proposal is not specific enough for the court to give it proper consideration. For example, the defendant proposes that he maintain a stable residence, but none is suggested. How can Pretrial Services conduct its investigation unless a particular place of residence is provided? The defendant requests that \$5,000.00 in cash or property be posted by family members, but does not indicate which family members. Further, there is no indication that if the defendant failed to appear, the loss of the posted funds would cause a severe financial impact on the persons posting the bond. If it does not, then the requested sum will not reasonably assure the defendant's appearance as required. Finally, it is incumbent upon the defendant to demonstrate to the government and the court that any cash or property comes from legitimate sources, or it is unacceptable.

The court is not saying that the defendant is unable to craft a bond proposal that will be acceptable, but, the proposal must be sufficiently specific so that the court can give it appropriate consideration. Accordingly, the defendant's present motion will be denied without prejudice.

SO ORDERED.

Dated at Milwaukee, Wisconsin this 9th day of May, 2007.

s/AARON E. GOODSTEIN
U.S. Magistrate Judge